

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

United States of America,

Plaintiff,

Case No.: 2:23-mj-363

Vs.

Judge Marbley

Brinson Silver,

Defendant.

DEFENDANT'S MOTION FOR RECONSIDERATION OF DETENTION

Now comes undersigned Counsel, Phillip A. Templeton, on behalf of Brinson Silver, and hereby respectfully requests this Honorable Court for a hearing or an Order regarding the detention status of Mr. Silver pursuant to 18 U.S.C. 3141. It is the position of Mr. Silver that recent developments in the case warrant such a change in his detention status and/or previously set conditions. A Memorandum in Support is attached hereto.

Respectfully submitted,

/s/PHILLIP A. TEMPLETON
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Counsel for Defendant

MEMORANDUM IN SUPPORT

Mr. Silver is currently being detained by Order of this Court dated August 3, 2023. This Order went into place after an initial Detention hearing held before Magistrate Judge Vascura, on June 23, 2023, and then a Review hearing on June 29, 2023, before this branch of the Court. Mr. Silver is alleged to be in Criminal Contempt pursuant to 18 U.S.C. 401(3); arising out of 2:23-cv-512. Pretrial Services has done an initial detention report and submitted it's findings to the Court.

At Mr. Silver's initial and review hearings on detention, the Government argued that he was a major flight risk, warranting an order of detention. Since this initial review, there has been a dramatic shift in Mr. Silver's status. As of August 14, 2023, Mr. Silver is no longer in Contempt of court in Case No. 2:23-cv-512, the basis for the current Complaint and Order (See Attached). In addition, Mr. Silver has been actively working with the Receiver out of that matter to ensure that all assets subject to the civil case are accounted for. Further, it is Mr. Silver's intent to continue assisting the Receiver in that case.

Mr. Silver's actions since his incarceration certainly demonstrate a desire to adhere to Court orders; be it in the Civil case or this current matter. He now realizes the seriousness of his situation and his actions.

Rule 46 of the Federal Rules of Criminal Procedure and 18 U.S.C. 3143 govern the release of defendants pending trial. Under both statute and the Federal Rules, release on one's own recognizance is the preferred method for dealing with matters of pretrial detention. Given the recent developments in Mr. Silver's civil case, pretrial release should now be the appropriate order. This is an economic issue with no risk of danger to the public, nor does he have a criminal

history. The basis of his charges stem from a very complex civil matter that is currently pending, with a Receiver in place to insure the protection of any assets. Finally, an initial Pretrial report was prepared and delivered to this Court recommending Mr. Silver's release, with certain conditions consistent with others who would be similarly situated.

Based on the foregoing, Counsel would request a hearing and reconsideration on detention.

Respectfully submitted,

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Counsel for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on June 29, 2023, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Counsel for Plaintiff
Peter Glen-Applegate
Asst US Attorney
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Respectfully submitted,

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

ROOT, INC., *et al.*,

Plaintiffs,

v.

Case No. 2:23-cv-512
Judge Sarah D. Morrison
Magistrate Judge Chelsey M.
Vascura

BRINSON CALEB SILVER, *et al.*,

Defendants.

ORDER

On June 20, 2023, this Court found Brinson Caleb Silver, Collateral Damage, LLC, and Eclipse Home Design, LLC (together, the “Silver Defendants”) in contempt of Court. (ECF No. 132.) Mr. Silver was ordered detained until he produced information and documentation to the satisfaction of the Receiver. (*Id.*)

The Receiver has notified the Court that Mr. Silver has produced information and documentation to their satisfaction. (ECF No. 158.) Accordingly, the Silver Defendants’ civil contempt is **PURGED**. The civil detainer on Mr. Silver is **VACATED** effective immediately.

IT IS SO ORDERED.

/s/ Sarah D. Morrison
SARAH D. MORRISON
UNITED STATES DISTRICT JUDGE